

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|--------------------------|---|--------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| |) | No.3:10-CR-149-05 |
| V. |) | (PHILLIPS/ GUYTON) |
| |) | |
| |) | |
| THOMAS RILEY |) | |

ORDER OF DETENTION PENDING SENTENCING

An initial appearance on Petition for Action on Conditions of Pretrial Release, doc. [338] was held on May 27, 2011. D. Gregory Weddle, Assistant United States Attorney, was present representing the government. and , Stephen Ross Johnson and Brian James Wanamaker, were present to represent the defendant. The government moved for detention pursuant to 18 U.S.C. § 3142(e). Counsel for the defendant advised this Court that the defendant would executed a Waiver of Detention Hearing reserving his right to move for a Detention Hearing at a later date. The defendant executed the appropriate waiver. Counsel for the defendant also advised the Court that the defendant wished to orally waive his Revocation Hearing at this time reserving his right to move for a Revocation Hearing at a later date pursuant to 18 U.S.C. § 3148.

The defendant is aware of his rights to a detention hearing and to require the government to meet its burden of proving that no conditions of release exist which will

reasonably assure his appearance in court and the safety of the community. The defendant understands that if he waives his detention hearing, he will remain in custody pending trial. The defendant acknowledged in open court that he has no questions and understands his rights and the consequences of waiving those rights, and agreed to be detained without bond pending trial.

Upon consideration of defendant's waiver, the charge against him, and the report of the Pretrial Services Office, the Court finds that, at this time, no conditions of release will reasonably assure the appearance of the defendant in court and the safety of the community. Should information having a material bearing on the issue of release subsequently become available, indicating a change in the defendant's circumstances, the defendant, through counsel, may file a motion requesting a bond hearing.

It is, therefore, **ORDERED** that:

- (1) Defendant be detained without bond pending trial;
- (2) Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (3) Defendant be afforded reasonable opportunity for private consultation with counsel; and
- (4) On order of a court of the United States or on request of an attorney for the government, the person in charge of

the corrections facility in which the defendant is confined

deliver the defendant to a United States Marshal for the purpose of an appearance in connection with any court proceeding.

IT IS SO ORDERED.

s/ C. Clifford Shirley, Jr.
UNITED STATES MAGISTRATE JUDGE